

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WISCONSIN

EDGEWOOD HIGH SCHOOL OF THE
SACRED HEART, INC.,

Case No. 3:21-cv-0018-wmc

Plaintiff,

v.

CITY OF MADISON, WISCONSIN, *et al.*,

Defendants.

DECLARATION OF SISTER KATHLEEN PHELAN

I, Sister Kathleen Phelan, O.P., pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a Dominican Sister of Sinsinawa, Wisconsin. The Sinsinawa Dominicans are a 175-year-old congregation of vowed women religious. I took my first religious vows in 1966.

2. The Sinsinawa Dominican mission is to proclaim the Gospel through the ministry of preaching and teaching in order to participate in the building of a holy and just Church and society. To that end, we are involved in many diverse ministries including elementary, high school, and college teaching; adult education; health and spirituality; peace and justice; and counseling. Our approximately 295 members in the United States are educators, artists, theologians, nurses, administrators, liturgists, physicians, and social workers.

3. We believe that at the heart of ministry is relationship. Relationships in community permit us to share our Dominican ideals with others. One type of relationship we enter into is sponsorship. Sponsorship is the relationship between the Sinsinawa Dominican Congregation and a local institution, such as a school. The sponsorship relationships established are created to further the religious mission of the Sinsinawa Dominicans.

4. One of the institutions the Sinsinawa Dominicans sponsor is Edgewood High School. The Sisters' relationship with the high school, under its different names over time, began with its founding in 1881. I served on the faculty of Edgewood High School from 1968 until 1975. Thereafter, I served as Principal for Edgewood High School from 1984 until 1989. In total, I have served as a high school educator and administrator for twenty-five (25) years.

5. I am aware of Edgewood High School's litigation against the City of Madison and support the high school's claims.

6. Athletics, including the full and free use of Edgewood High School's athletic field, is an integral part of the school's ability to build relationships and community, and thus to serve the religious mission of the Dominican Sisters. Events, including the athletic events on the on-campus field provide the context and platform to reach out and engage the community and to share and promote the school's religious mission and values. This holds for current students, prospective students, their families, alumni, and the community-at-large.

7. With respect to current students who participate in sports, Edgewood High School's mission includes educating the "whole student" – mind, soul, and body. High school athletics provide opportunities for joy and overcoming adversity, help teach personal responsibility, and instill and promote many Sinsinawa Dominican values, such as compassion, justice, and partnership. These values are often framed in sports as sportsmanship and mutual respect, hard work, sacrifice, and teamwork, among other things.

8. As part of educating the whole student, I have observed and seen reports of many instances of Edgewood High School's athletes and teams participating in community service. For example, the EHS boys' football team hosts and runs the Madison Police Department's annual youth football camp for underprivileged youth on our campus field. They also serve at

the Madison Food Pantry farms. Similarly, the girls' golf team has for 19 years hosted the annual Crusade for the Cure golf tournament for the Susan B. Komen Foundation. Bringing athletics, prayer and service together helps to instill and further our Dominican values.

9. Beyond the student-athletes themselves, a complete, well-rounded and competitive athletic experience at Edgewood High School builds community among the current students who attend events. Athletic events bring them together and are a rallying point for students that build school spirit and unity. Having a shared experience of attending athletic events on campus would benefit the school by enhancing the students' time at Edgewood High School and creating more positive memories that make them more likely to cement our Dominican values, to recommend and promote the school, to send their children to Edgewood High School, and to act as benefactors. All of these promote and further Edgewood High School's mission to reach as many children as possible.

10. With respect to prospective students, enrollment is critical to Edgewood High School's religious mission. Edgewood High School, like all Catholic schools, must have students to educate and with whom to share its religious teachings and values. Edgewood High School continuously seeks to attract students.

11. In a modern culture that places a priority on sports, athletic offerings and opportunities are important components of Edgewood High School's ability to attract new students. The offerings and facilities Edgewood High School has to offer prospective students, including athletic facilities, have to be comparable to local non-religious, public schools. For many, it is far harder to ask students and their families to come to Edgewood High School if it means both paying tuition and sacrificing some aspect of their child's high school experiences and opportunities with extra-curriculars.

12. Parochial schools have been and are an important partnership for Edgewood High School, as they are a significant source of prospective students for the high school. Events utilizing high school's field for the schools, their students, and parochial sports teams connects the high school to these students and allows them to see Edgewood High School and its mission and values in action.

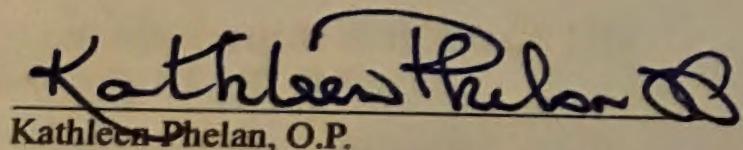
13. On campus events, including popular athletic events like Friday night varsity football games, provide unique opportunities to reach out and engage both prospective students, Edgewood High School alumni and members of the Madison community to bring them to campus to experience and witness Edgewood High School, its values and mission.

14. The absence of lights substantially limits Edgewood High School's ability and opportunities to engage students, alumni, Madison-area residents and organizations to build community and partnerships in fulfillment of the high school's mission as a Sinsinawa Dominican-sponsored institution.

15. During my tenure as a teacher and principal at Edgewood High School, I observed that Edgewood High School's field was used for more than just team sports practices and physical education classes. During those periods, I observed that Edgewood High School's freshman and junior varsity football teams regularly played games on the field. It also served as a space for student and community recreation and community events, including Edgefest.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 7 day of June, 2022.


Kathleen Phelan, O.P.

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